

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, DECEMBER 5, 2006.

Board Members Present: *John F. Coates, Chairman*
Steven E. Nixon, Vice-Chairman
Larry W. Aylor
William C. Chase, Jr.
Sue D. Hansohn
Brad C. Rosenberger
Steven L. Walker

Staff Present: Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
Valerie H. Lamb, Finance Director
John C. Egertson, Planning Director
Paul Howard, Director of Environmental Services
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Nixon led the Board and the audience in the Pledge of Allegiance to the Flag.

APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS

Mr. Bossio asked that the following amendments be made to the agenda:

Under **GENERAL COUNTY BUSINESS**, add **SPECIAL RECOGNITION FOR A DEPARTING STAFF MEMBER**; and

Under **CLOSED SESSION** add item #2, Under *Virginia Code §2.2-3711(A)(7)*, for discussion with legal counsel and staff regarding the relief alternatives for the proper resolution of pending litigation against the County, where discussion in an open meeting would adversely affect the negotiating and litigation posture of the County.

Mr. Walker moved, seconded by Mr. Nixon, to approve the agenda as amended.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

APPROVAL OF MINUTES

The minutes of the July 5, 2006 regular meetings were presented to the Board for approval.

Mr. Nixon moved, seconded by Mr. Aylor, to approve the minutes as presented.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CONSENT AGENDA

Mr. Bossio reviewed the following Consent Agenda items with the Board:

- a. The Board will consider a request from VDOT to begin the process of abandonment of a portion of Route 736.
- b. The Board will consider approving a Resolution Regarding Humane Sterilization Funding Agreement for animals.
- c. The Board will consider approving a budget amendment for the Department of Human Services for additional funds received for Head Start in the amount of \$34,290. This is 100% federal money, with no local match required.
- d. The Board will consider approving a budget amendment for state funds received from the Division of Motor Vehicles (DMV) from the sale of animal friendly license plates for the Animal Shelter in the amount of \$900. No local match required.

Mr. Nixon moved, seconded by Mrs. Hansohn, to approve the Consent Agenda.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

GENERAL COUNTY BUSINESS

SPECIAL RECOGNITION

Mr. Bossio announced that Mrs. Susanne Taylor, Human Resources Director, was leaving on December 8 to accept a position with the City of Fredericksburg. He asked her to come forward, and he thanked her for her service and accomplishments to Culpeper County. Mrs. Taylor stated that she was proud of the accomplishments the staff had made, and she enjoyed being a part of the County team for the past 12 years. She thanked the Board for the opportunities provided to her during her tenure with the County.

Mr. Coates wished Mrs. Taylor well in her new endeavor and thanked her for her service.

SPECIAL PRESENTATION - GOVERNMENT FINANCE OFFICERS ASSOCIATION CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

Mr. Bossio presented Mrs. Valerie Lamb, Finance Director, with a Distinguished Budget Presentation Award, which accompanied a Certificate of Achievement for Excellence in Financial Reporting presented to Culpeper County for its Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2005. He thanked Mrs. Lamb for her hard work on the County's budget. Mrs. Lamb acknowledged the award and stated it represented the joint effort of the School System, Department of Human Services, the Treasurer and the Commissioner of the Revenue.

Mr. Coates thanked Mrs. Lamb for her hard work.

CONSIDERATION OF SHORT TERM FINANCING FOR THE NEW ELEMENTARY SCHOOL

Mr. Bossio stated that Mr. Courtney Rogers of Davenport and Company, would address the Board regarding the responses received to the Request for Bids for short-term financing for the new elementary school.

Mr. Rogers recalled he was before the Board on November 8 to present a recommended School Financing Strategy to fund the cost of the County's new elementary school. He said that the elementary school would cost approximately \$14.9 million, and the County was eligible to finance up to \$7.5 million through the State Literary Fund Loan Program at the established long-term fixed interest rate of 4 percent when funds became available. He noted that in the interim, the County would need to procure a bridge loan for the \$7.5 million prior to the end of the calendar year in order to obtain bank-qualified funding, previously authorized by the Board.

Mr. Rogers reported that the County's Bond Counsel had determined that since the County would be going through the Town's IDA, the entire \$7.5 million, rather than \$7.2 million, could be a bank-qualified transaction without considering financing requests by the Sheriff's Office and the Salem Volunteer Fire and Rescue Department.

Mr. Rogers stated that seven bids were received as a result of the Requests for Proposals. He reviewed the bids received in the order of lowest rate of approximately 3.5 percent to the highest of approximately 4 percent. He said that the lowest rate was submitted by RBC Centura Bank of Raleigh, North Carolina, followed by Patriot Bank, SunTrust, Second Bank & Trust, Wachovia Bank, BB&T, and First Bank & Trust. He pointed out that what set RBC Centura Bank and Patriot Bank apart from the rest was that both

required that the County keep track of how the money was being spent and would hold the proceeds of the first amount until invoices were received from the Finance Department. He pointed out that RBC actually offered a higher reinvestment rate, which was important since the funds would be obtained by December 19 and would not be needed until some time in the spring of 2007. He explained the real differential between the first and second bids was that RBC would save the County \$750 per year in interest expense and approximately \$14,000 per month in escrow earnings, assuming the \$7.5 million was held in escrow.

Mr. Rogers recommended that the County borrow from RBC because of the low interest rate offered, the desirable prepayment provision callable at par in October 2008, and the escrow earnings would allow for approximately \$14,000 per month more in interest earnings compared to the next best bidder. He stated if the Board approved financing the note through RBC Centura, the next steps would be to meet with the Town IDA on December 14 to obtain approval of the financing note, and to close with the bank on December 19.

Mr. Chase moved, seconded by Mrs. Hansohn, to accept the recommendations and approve the financing resolution.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Coates welcomed Mrs. Claudia Vento, Vice Chair of the School Board; Mr. Chip Coleman, member of the Town Council; Mr. David DeJarnette, County Treasurer; Mrs. Taylor of Congressman Cantor's office; and Mr. Jeff Shomo, Finance Director, School System, who were in attendance.

CONSIDERATION OF VACO REGION 7 2007 LEGISLATIVE ISSUES

Mr. Bossio presented an eight-page summary of the VACo Region 7 Legislative Issues for 2007, adopted by Region 7, which were ready for the Board's consideration. He stated that the issues were basically unchanged from last year, except transportation issues had been clarified.

Mr. Walker asked whether the Legislative Committee was forwarding a recommendation. Mr. Rosenberger replied that the Legislative Committee decided not to meet and to bring the proposal directly to the full Board.

Mr. Rosenberger moved, seconded by Mr. Chase, to adopt the 2007 Legislative Issues.

Mr. Walker stated that VACo would be changing the process with regard to developing its legislative program next year. He said he had been asked to moderate a region-wide forum to discuss legislative issues immediately following this legislative session, probably in the spring of 2007 in Culpeper, in order to start the process earlier and all County Boards of Supervisors in the region would be invited to attend.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

SHORT TERM FINANCING FOR THE NEW ELEMENTARY SCHOOL (continued)

Mr. Coates announced that the Board needed to return to the agenda item on financing for the new elementary school because Mr. David Maddox, County Attorney, said a roll call vote was required.

Mr. Chase questioned the need for a roll call vote since each member had responded individually. Mr. Maddox agreed there was no practical difference, but the Bond Counsel had drafted the resolution to indicate a roll call vote would be taken.

Mr. Chase stated he would amend his motion to indicate a roll call vote on the financing resolution. Mrs. Hansohn agreed with the amendment.

Mr. Coates called each Board member by name: Mr. Chase - Yes; Mr. Aylor - Yes; Mr. Walker - Yes; Mr. Coates - Yes; Mr. Nixon - Yes; Mr. Rosenberger - Yes; Mrs. Hansohn - Yes.

Motion passed 7 to 0.

UPDATE ON PARKS AND RECREATION ACTIVITIES

Mr. John Barrett, Director of Parks and Recreation Department, presented a year-end summary of the level of services offered to community residents. He also included a comparison of the past and current year's progress. He provided a list of the Parks and Recreation Advisory Committee, and also a list of his Department's staff.

Mr. Barrett reported that 256 classes and programs were offered in FY 2006, including 55 new classes and 13 new preschool classes, and provided statistics from FY 2002 to the current fiscal year. He listed facilities used for classes/programs and spoke at

length on programs for senior citizens. He provided charts comparing revenues from FY 1999 to FY 2006, and number of participants registered for programs. He stated that the Department was involved in many partnerships in the community, including governmental agencies, businesses, and volunteers; and indicated the sponsorships and donations that were received.

Mr. Barrett reported on the improvements made to the 241 acres of County parks: Spilman Park, Laurel Valley, and Culpeper Community Complex. He displayed photographs of Spilman Park with new playground facility; Laurel Valley with the approximately two miles of mountain bike trails for the Central Area Mountain Biking Organization (CAMBO); and the Complex with football, baseball and soccer fields. He said the Lenn Brothers property was a new area with 81 acres of agricultural land that would be developed in the near future.

Mr. Barrett stated that a recent needs assessment survey indicated that the Parks and Recreation offerings were not receiving sufficient publicity, and the type of recreational facilities most respondents wanted were a community pool and walking/biking trails, as well as more land for parks, more recreation programs and outdoor facilities. He said that the plan for next year was to maintain and improve the quality of existing classes/programs; install an interpretative sign at Spilman Park; complete construction of Laurel Valley mountain bike trail and open it for CAMBO members; improve statistical records on volunteer hours donated; continue to foster both public and private partnerships; create a master plan for the Lenn Brothers property; continue improvements at the Complex; improve parks and recreation marketing; finalize a potential donation of parkland in the Catalpa District; and create a County regional bike trail plan.

Mr. Chase asked for additional information on CAMBO. Mr. Barrett explained that CAMBO was providing the structure for the bike trails and liability insurance through its National organization. He said that after the structure had been put in place, the Board of Supervisors might wish to expand the use of the trails.

Mr. Nixon noted that the need ranked the highest was a community pool. He asked whether the Town had moved forward with the County's offer to provide land at the Community Complex for a pool. Mr. Barrett replied that discussions were continuing with the Town, and he would keep the Board informed of progress.

Mr. Nixon asked how plans were progressing for the Lenn property. Mr. Barrett replied that several meetings had been held with interested parties regarding a soap box derby and wagon wheel ball fields for adults. He said that once a master plan had been developed, the funding process would follow. Mr. Chase pointed out there were plans also for an airfield for model airplanes on the Lenn property. Mr. Barrett agreed.

Mr. Nixon asked when preliminary designs would be coming from the Buildings and Grounds Committee. Mr. Barrett replied that they should be ready within the next two to three months. He added that a walking trail beside Mountain Run Creek would be included in the plans. Mr. Chase added that there would also be a picnic and camping area.

Mr. Coates thanked Mr. Barrett for his presentation.

Mr. Coates recessed the meeting at 10:45 a.m.

Mr. Coates called the meeting back to order at 10:55 a.m.

COMMITTEE REPORTS

BUILDINGS & GROUNDS COMMITTEE REPORT - NOVEMBER 21, 2006

Mr. Nixon reported that the Buildings and Grounds Committee met and was forwarding the following recommendations to the full Board:

1. Recommending approval of the Courtyard Plan and Mr. Howard to have further discussion with Architectural Review Board on the lower/wall slope and to confer with the Town, the Sheriff and the Judge on the proposed plan; and
2. Recommending that the maple trees on the west side of the Courthouse be removed, and the holly and walnut trees be removed during the Courtyard renovations;

Mr. Nixon stated that the Buildings and Grounds was forwarding a site plan for redevelopment of the courtyard, which had been discussed numerous times in Committee and with the Town Architectural Review Board (ARB), whose recommendations had been included. He said that Mr. Paul Howard, Environmental Services Director, was present to answer any questions.

Mr. Coates stated he was a member of the Buildings & Grounds Committee and had heard some concerns regarding a retaining wall on the backside of the slope toward Cameron Street. He asked whether Mr. Howard had addressed those concerns. Mr. Howard replied that the Town ARB had not met and no formal recommendation had been received. He said that the intention was to put more landscaping in that area to screen the

wall from view. Mr. Coates asked whether Mr. Howard had met with the Sheriff and the Judges. Mr. Howard replied that he had spoken with the Sheriff and Judge Roger Morton, and both were supportive of the plan. He said that Judge Cullen was on medical leave until January, but he had supported earlier versions of the plan.

Mr. Coates stated that at the time the plan was discussed, there was going to be a slope on the backside of the stage area along the walk between the jail and the courthouse. He said his concern was there was no wall or raised curb, and during the winter months the walk would be hazardous to inmates and law enforcement personnel moving between the jail and the courthouse.

Mr. Nixon moved, seconded by Mr. Aylor, to approve the landscaping plan as presented

Mr. Chase stated that there was nothing wrong with the present courtyard and questioned the need to spend taxpayers money to change it.

Mr. Nixon pointed out that there were concerns about the layout of the courtyard in terms of the monument, and it was felt that some protection should be placed around the Confederate Monument to ensure it would not be damaged. He said there also needed to be better seating and layout arrangements for the events held in the courtyard, as well as additional landscaping and improvements to the sidewalk to match the herringbone pattern being used by the Town for its sidewalks.

Mrs. Hansohn recalled the whole project began when several citizens wanted to plant a tree in the courtyard in memory of Corky Pettengill and how to establish some way to make donations for that purpose.

Mr. Chase asked about the cost to the taxpayers for the courtyard plan as presented. He said he could understand planting a tree, but he felt the other improvements were unnecessary. Mrs. Hansohn said the idea was to make some of the changes with donations.

Mr. Howard explained there were several large trees in the courtyard that had died approximately 10 years ago and were never replaced, and agreed that replacing the trees would be done through donations. He said it was the intent of the Board of Supervisors to provide the core structure – the walkway and the stage -- with rest of the amenities such as plantings, light poles, and benches, would be funded through community donations. He said

the Buildings and Grounds Committee would be developing a memorial and plaque policy for this purpose.

Mr. Chase asked whether there was a dollar figure attached to the project. Mr. Howard replied that the total project would cost \$216,000. Mr. Chase asked how much the concept plan cost the County. Mr. Howard replied that approximately \$16,000 had been spent in landscaping services since the initiation of the project.

Mr. Coates pointed out that the courtyard was utilized as a showplace for Culpeper, and the Board had been discussing the need to enhance the area for a number of years.

Mr. Chase felt that the courtyard was lovely just the way it was and asked who decided that herringbone brick should be used for the walkway. Mr. Howard replied that the Board endorsed the standard concrete walk, but when the plan was taken to the ARB, it recommended that the herringbone pattern be used to coincide with what was being done on Davis Street.

Mrs. Hansohn asked whether there was a possibility of obtaining some grant money through the new grant program recently approved.

Mr. Walker indicated that the Board was being asked to approve the concept plan, and not the actual work. He added that it was an opportunity to take the plan public and see if individuals would like to contribute to the project.

Mr. Aylor stated that one of the key points of the concept plan that had not been mentioned was a pavilion that would be used by the citizens. Mr. Howard agreed that the stage area would have a canopy over the top for events such as concerts.

Mr. Chase asked for assurance that the motion was to approve just the concept plan. Mr. Nixon assured him that the motion was to approve the master plan for the development of the courtyard as donations and contributions were received, and no funds were being allocated at the present time.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Nixon stated that the second recommendation from the Buildings and Grounds Committee was to authorize Mr. Howard's Department to remove trees from the courtyard.

Mr. Howard explained that there were two large maple trees on the west side of the

courthouse that were dying, and there was some concern that the trees may fall on the Vietnam Veterans Memorial. He also explained that there were two trees inside the courtyard that were being recommended for removal: One a large holly tree back in the corner that was growing close to the courthouse; and the other was a maple adjacent to the Confederate Memorial that was dying. He said the recommendation was to remove the two maple trees on the west side of the courthouse now, and to remove the other two trees when the courtyard work was being done.

Mr. Nixon moved, seconded by Mrs. Hansohn, to remove the two maples now and the other two trees later.

Mr. Chase stated he did not have a problem with removing the two trees on the side of the courthouse that were dying, but he felt the Board could act on the other trees when the courtyard work was scheduled.

Mr. Nixon said the Committee felt it would be appropriate to authorize Mr. Howard to remove the trees as needed instead of coming back to the Board for further authorization.

Mr. Aylor felt it would be more economical to remove all of the trees at one time.

Mr. Coates stated that the motion was to remove the two trees that were dying as soon as possible and to authorize Mr. Howard to remove the other two trees when he found it to be necessary.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #1 for details of meeting.

RULES COMMITTEE REPORT - NOVEMBER 21, 2006

Mr. Walker reported that the Rules Committee met and was forwarding the following recommendations to the full Board:

1. Move to the full Board the concept of a work session to review the transportation section of the Comprehensive Plan;
2. Recommending that the Human Services Agency be designated as the lead agency for elderly long-term care;
3. Recommending to take no action on splitting the tax bills based on discussion with the Attorney, staff, the Commissioner of the Revenue and Treasurer; and

4. Recommending that Healthy Culpeper assign rankings to outside agencies applying for funds.

Mr. Walker stated that the Rules Committee had a lengthy meeting, and he wanted to thank the Board members and staff who attended. He said the Rules Committee was recommending that the Board approve the concept of a work session to review the transportation section of the Comprehensive Plan. He noted that Mr. Butch Davies of the Commonwealth Transportation Board was present and led a detailed discussion with Committee members and staff.

Mr. Walker moved, seconded by Mrs. Hansohn, to approve a work session to discuss revisions to the Comprehensive Plan's transportation section.

Mrs. Hansohn noted there was discussion regarding the closing of one of VDOT's facilities and asked whether it was a recommendation of the Transportation Board and whether a final decision had been made. Mr. Walker replied that the State had made the decision to close the facility, but he did not think it had been closed as yet.

Mr. Coates added that two facilities had been closed in Albemarle County, and the proposal for Culpeper County was to close the east area maintenance headquarters and move everything to the west area headquarters off Route 522. He said there was adequate land there, and with the west area facility being adjacent to the west loop road being built around Culpeper, they would have access without going through Town with their heavy equipment.

Mrs. Hansohn expressed concern regarding the gravel roads there were not being serviced in a timely manner now, and felt that service would worsen if one of the facilities were closed.

Mr. Coates stated that employees in the east area headquarters would be reassigned to the west area headquarters and to surrounding counties. He said a lot of the work on the secondary roads, such as snow removal, would be contracted out.

Mr. Walker noted that because of the changes in VDOT, this was a critical time to learn how they would be operating in the future, as well as for the Board and staff to advise them of County plans for the future.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker stated that the Rules Committee discussed the need due to legislative action to appoint an agency to lead the elderly long-term care effort, and it was determined that the Human Services Agency would be the appropriate agency, and they were in agreement.

Mr. Walker moved, seconded by Mr. Nixon, to designate the Human Services Agency as the lead agency for elderly long-term care.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker reported that the Rules Committee had been asked by the full Board to review the possibility of splitting the tax bills. He said that the Committee had asked staff to provide additional information regarding time lines for splitting tax bills and to review the entire tax structure to determine whether timing problems could be alleviated.

Mr. Walker moved, seconded by Mr. Nixon, not to split the tax bills at the present time.

Mrs. Hansohn stated that she would not support the motion because the issue needed to be explored further. She believed there was a way to split the tax bills and suggested that "filing by exception" should be considered. She explained that the Commissioner of the Revenue sends out personal property notices early in the year that are due May 1, and "filing by exception" meant if there were no changes, no reply would be needed.

Mr. Walker pointed out that the Rules Committee would continue to work on various concepts regarding the tax payment process and ways it could be streamlined, and the only reason a recommendation was brought forward was because a request had been made by the full Board.

Mrs. Hansohn stated that she did not believe a motion was needed since the Rules Committee would be continuing to study the issue. She said her suggestion was for the Board to consider whether it would be possible to split the tax bills. Mr. Chase agreed with Mrs. Hansohn that a motion was not needed since the Rules Committee would continue its review.

Mr. Walker withdrew his motion, and Mr. Nixon agreed to withdraw his second.

Mr. Bossio stated that he had spoken with the Commissioner, who was in favor of “filing by exception”. He said that staff would review a number of issues and meet with the Rules Committee in December, so that a more concrete plan could be forwarded to the full Board.

Mr. Walker reported that the next item from Rules Committee was a recommendation to allow Healthy Culpeper, as a community group, to assign rankings to outside agencies applying for funds. He said it would be similar to what Healthy Culpeper was doing for the Town, and it would not affect whether or not the County would fund those agencies applying.

Mr. Bossio commented that the list of outside organizations applying for County funds was longer than those applying to the Town, and those such as the Fire and Rescue Association and EMS Council would be extracted from the process.

Ms. Cindy Colson, Director of Healthy Culpeper, clarified that the process was not a Healthy Culpeper initiative, but that Healthy Culpeper had solicited its membership for individuals to serve on a Community Review Panel, composed of ten members from varied fields and levels of experience to review the applications.

Mr. Walker moved, seconded by Mr. Nixon, to accept Healthy Culpeper to facilitate a group of its members to rank the outside funding activities. Mr. Nixon seconded.

Mrs. Hansohn stated that she was not clear on the process because in the past, during budget time, any organization that was seeking funding would apply. Mr. Walker assured her that nothing would change and the ranking in terms of overall importance to the health of the community would be an additional step.

Ms. Colson explained there was actually an application process that reviewed various categories, such as the organization's capacity and experience. She said the intent was to streamline the process so that agencies applying to both the County and the Town would submit only one application. She added that it would also be an educational tool as the County moved toward the grant locator system where outside agencies would receive grants outside of the community or help them be more successful in receiving grants.

Mr. Coates stated that the County funded agencies that were not on the Town's list, and he was concerned that the review process would cause additional time and effort for agencies located outside of the County being considered for funding.

Mr. Walker pointed out that the review would not eliminate anything that the Board was currently doing, but would provide additional information to assist the Board in evaluating outside agencies coming before the Board with funding requests.

Mr. Nixon agreed that the ranking process would not circumvent anything that the Board was presently doing because all of the agencies would still have to come before the Board as in the past. The proposed process would be a tool to help the Board to identify agencies that would have an impact in the community. He added that the process would actually be streamlined because only one application would be shared between the Town and County. He said it would also open up the possibility of agencies applying for grants, which could eliminate the need for County funds.

Mr. Bossio added that the County already used an extensive process that ensured each of the organizations qualified under State statutes, such as having 501(c)(3) status, and an attempt would be made to unify the process between the Town and the County.

Mr. Chase called the question.

Mr. Coates felt that an additional step in the budget process was not justified, and it would create additional paperwork for the agencies, not located in Culpeper, that applied to various counties throughout the State.

Mr. Coates called for voice vote.

Ayes - Aylor, Hansohn, Nixon, Rosenberger, Walker

Nays - Chase, Coates

Motion carried 5 to 2.

Mr. Walker thanked Ms. Colson for attending. He noted that the process would be used, but it could be changed should problems occur. He felt that the facilitator would help streamline the procedures and would also welcome input from the Board.

Mr. Walker reported Mr. Bill Myers, Building Official, had discussed with the Rules Committee a change he was making regarding third-party inspections. He said that with the slowdown in the construction business, Mr. Myers felt that his office would be able to cover all concrete inspections in a timely manner.

Mr. Bossio stated that Mr. Myers was ill and was unable to be present. He said that he had asked for assurance that the Building Office could maintain the same level of service that was provided by third-party inspections. He noted that the Code stated that if the

inspectors could not provide service at the site within two days, third-party inspections would be allowed. He said that Mr. Myers felt his office would be able to do an inspection within the two-day allotted period.

Mrs. Hansohn expressed concern about the change, especially with the increased commercial building being done. She felt it was good to have the third-party inspector available should a builder want to use it, and she was not in favor of taking that option away.

Mr. Bossio stated that third-party inspections would still be available if needed, but Mr. Myers felt that every effort would be made to have a County inspector do the concrete footings promptly.

Mrs. Hansohn stated that she did not see the need to make a change and the customer should have the option to do what was best for his project.

Mr. Nixon related that after a lengthy discussion in the Rules Committee meeting, he had asked Mr. Myers to assure him there would be the same response rate as presently provided, and Mr. Myers stated that if he found his staff could not provide the same response rate, he would not change the use of third-party inspections.

Mrs. Hansohn asked whether the proposal was a Code change. Mr. Nixon replied that it was not.

Mr. Aylor stated that as a contractor, he preferred the third-party inspections for concrete because of the requirement of having a licensed, bonded engineer on site when the concrete was poured. He said he could not afford to have any delays in service.

Mr. Bossio stated that as the plan was being developed over the next couple of weeks, it would be brought back either to the Rules Committee or to the full Board for approval or disapproval.

Mr. Walker stated he wanted the Board to be aware of what the Building Official was proposing. He said the Committee members informed Mr. Myers that if this proposal was going to move forward, he would have to provide the same service that third-party inspectors had been providing.

See Attachment #2 for details of meeting.

PUBLIC WORKS COMMITTEE REPORT - NOVEMBER 21, 2006

Mrs. Hansohn reported that the Public Works Committee met and was forwarding the following recommendation to the full Board:

1. Recommending that the County pay itself the \$500.00 inspection fee for the three connections totaling \$1,500.00 and allow Mr. Brand to connect his three parcels onto the Mitchells Sewer System following the rules and regulations

Mrs. Hansohn recalled that there was a Community Development Block Grant provided in 1998 for the creation of a sewer line at Mitchells with the capacity to connect 52 residents, and 32 had been connected to date. She said that two residents, Mr. Brand and Ms. Foard, had purchased three lots in the Mitchells area and after a survey of their land was done, they discovered that the County sewer lines were encroaching on their lots. She explained that the Health Department had granted permission to do an alternative sewer treatment plant so they could build on those lots, but the County line was encroaching on their property. She said the Public Works Committee was recommending that Mr. Brand and Ms. Foard proceed to connect to the system, pay the survey costs, and the County would absorb the inspection fee.

Mrs. Hansohn moved, seconded by Mr. Walker, that the County would absorb the inspection fee on the three connections and that Mr. Brand be allowed to connect his three parcels to the Mitchells sewer system.

Mr. Nixon asked whether the survey cost was to dedicate a right-of-way for the lines, rather than an easement. Mrs. Hansohn stated that was correct.

Mr. Chase stated he approved of the resolution to the problem, but asked how it occurred in the first place.

Mr. Howard explained there were three encroachments: (1) A contractor encroached on the property Mr. Brand purchased when he adjusted the line on one lot to avoid a large oak tree in its path; (2) the sewer line was installed in a VDOT prescriptive easement along a graveled road; and (3) a line was installed after the County's project by a homeowner connecting to the system. He said that the latter line was not a County-installed line, but staff had checked it and thought it was within the easement.

Mr. Coates stated he would support the motion, but questioned how the encroachments could have occurred. He said that the County hired consultants and relied upon them to ensure instances such as these would not occur.

Mr. Chase stated he would support that motion also, but he felt the County should ask the consultant to pay the cost involved. Mr. Aylor agreed that the County should

contact the consultant and ask for reimbursement because he did not think that taxpayers' money should be used to pay for someone else's mistakes.

Mrs. Hansohn agreed to amend her motion to include asking the consultant to reimburse the County for the inspection fees. Mr. Walker agreed to the change.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See Attachment #3 for details of meeting.

ECONOMIC DEVELOPMENT REPORT

Mr. Carl Sachs, Director of Economic Development, provided an update on the initiative he was coordinating with the Planning Department and the Building Official's Office to track commercial rezoning requests from the initial request through to the final occupancy certificate. He reviewed each project and stated he would keep the Board informed on a monthly basis of progress. He indicated that the information would ensure that the new business was properly welcomed to the community by a coordinated grand opening or ribbon cutting ceremony.

AIRPORT ADVISORY COMMITTEE REPORT - NOVEMBER 15, 2006

Mr. Bossio reported that the Airport Advisory Committee met and there were no action items to bring forward.

ADMINISTRATOR'S REPORT

Mr. Bossio announced that due to the holiday schedule, the January Board meeting would be held on Wednesday, January 3, 2007.

Mr. Walker moved, seconded by Mr. Nixon, to change the official Board meeting date from the first Tuesday to the first Wednesday in January because of the holiday.

Mr. Coates called for voice vote.

Ayes - Aylor, Chase, Coates, Hansohn, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CLOSED SESSION

Mr. Nixon moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider: (A) Reappointments to the Agricultural Resource Advisory Committee, and also to readvertise for remaining vacancy; (B) reappointment to the Disability Services Board; (C) appointments and/or re appointments to the Human Services Board; (D) appointment to the Joint Board of Building Code Appeals; (E) readvertise for appointment to the Rappahannock-Rapidan Community Services Board; (F) advertise for appointment to the Public Transportation Advisory Committee; and (G) discussion of resignation of a County employee and prospective candidates for position.
2. Under *Virginia Code* §2.2-3711(A)(7), for discussion with legal counsel and staff regarding the relief alternatives for the proper resolution of pending litigation against the County, where discussion in an open meeting would adversely affect the negotiating and litigation posture of the County.

Seconded by Mrs. Hansohn.

Mr. Coates recessed the meeting at 12:10 p.m. for lunch break.

The Board entered into closed session at 1:45 p.m.

The Board returned to open session at 2:35 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show that Mr. Chase was not present for the closed session.

Ayes - Aylor, Walker, Coates, Nixon, Rosenberger, Hansohn

RE: AGRICULTURAL RESOURCE ADVISORY COMMITTEE

Mr. Nixon moved, seconded by Mrs. Hansohn, to reappoint Thomas A. (Tommy) O'Halloran to the Agricultural Resource Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: AGRICULTURAL RESOURCE ADVISORY COMMITTEE

Mr. Nixon moved, seconded by Mrs. Hansohn, to reappoint Jeffrey H. Scott to the Agricultural Resource Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: AGRICULTURAL RESOURCE ADVISORY COMMITTEE

Mr. Nixon moved, seconded by Mr. Aylor, to readvertise for the remaining vacancy to the Agricultural Resource Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: DISABILITY SERVICES BOARD

Mr. Nixon moved, seconded by Mr. Walker, to readvertise the vacancy to the Disability Services Board.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: REAPPOINTMENT TO THE HUMAN SERVICES BOARD

Mr. Nixon moved, seconded by Mr. Walker, to reappoint John H. Bossong to the Human Services Board.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: REAPPOINTMENT TO THE HUMAN SERVICES BOARD

Mr. Nixon moved, seconded by Mr. Walker, to reappoint Rev. Ludwell Brown to the Human Services Board.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: HUMAN SERVICES BOARD

Mr. Nixon moved, seconded by Mr. Walker, to readvertise the remaining vacancy of the Human Services Board.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: JOINT BOARD OF BUILDING CODE APPEALS

Mr. Nixon moved, seconded by Mr. Walker, to readvertise for the vacancy on the Joint Board of Building Code Appeals.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES BOARD

Mr. Nixon moved, seconded by Mrs. Hansohn, to readvertise for the vacancy on the Rappahannock-Rapidan Community Services Board.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: ACCEPTANCE OF RESIGNATION FROM PUBLIC TRANSPORTATION ADVISORY COMMITTEE

Mr. Nixon moved, seconded, by Mr. Aylor, to regrettfully accept the resignation of Robert Arnold from the Public Transportation Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

RE: PUBLIC TRANSPORTATION ADVISORY COMMITTEE

Mr. Nixon moved, seconded, by Mr. Aylor, to advertise the vacancy on the Public Transportation Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Aylor, Coates, Hansohn, Nixon, Rosenberger, Walker

Absent – Chase

Motion carried 6 to 0.

ADJOURNMENT

Mrs. Hansohn moved to adjourn at 2:37 p.m.

Mr. Coates declared the meeting adjourned.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

Frank T. Bossio,
Clerk to the Board

APPROVED: January 3, 2007